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10/062,579	01/30/2002	Helmut Bentivoglio	P6602.4US	1940

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EXAMINER

POLK, SHARON A

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,579

Applicant(s)

BENTIVOGLIO, HELMUT

Examiner

Sharon Polk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification discloses two sending elements (7, 39) and it is unclear how both elements send without receiving. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibata et al., US 4,897,643.

With regard to claims 1 and 10, Shibata et al. teach an actuator for a release device of a motor vehicle (13), comprising:
a control (14-17) acting on the release device;
at least one actuator element configured to send a signal wireless to the control for triggering a release action of the release device (3:3-5, 14-17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. in view of Desatoff, US 5,694,115.

With regard to claim 2, Shibata et al. teaches the claimed invention except for the momentary contact push-button. However, Desatoff teaches this feature (42-46). One skilled in the art would at the time of the invention would have been motivated to modify Shibata et al. with the momentary push-button because battery power is conserved by having the actuator immediately return to its off position, while sending a signal to perform the desired function, as taught by Desatoff (4:40-53).

With regard to claim 12, Shibata teaches or fairly suggests that the antenna is configured to have energy drawn when the actuator is actuated (e.g., figs. 5, 7, and 10). While not explicitly taught, the feature is implicit because one skilled in the art realizes that upon actuation of an actuator RF energy exists, either incoming radio signals to a receiver or outgoing signals from a transmitter.

Claims 3-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al., in view of Hall et al., US 5,402,132.

With regard to claims 3-5, and 11, Shibata et al. teach the claimed invention except for a passive receiver is a planar antenna. However, this feature is taught or fairly suggested by Hall et al. (e.g., figs. 1, 2, 5:14-19). One skilled in the art at the time of the invention would have been motivated to modify Shibata et al. to incorporate the

teachings of Hall et al. because it is desirable to have a direction finding system based upon a single monopole/crossed slot antenna such that the number of antennas required is reduced, and the platform space required to mount the antenna is decreased (1:66-2:2).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. as modified by Hall et al., and further in view of Gnadinger et al., US 6,268,796.

With regard to claims 6 and 8, Shibata et al. as modified by Hall et al. teach the claimed invention except for the antenna arranged in a resonance circuit, or a compensating element. However, these features are taught or fairly suggested by Gnadinger et al. (e.g., abstract, 6:1-19). One skilled in the art at the time of the invention would have been motivated to modify Shibata et al. as modified by Hall et al. to incorporate the teachings of Gnadinger et al. for the purpose of providing an improved antenna useful in a passive radio frequency identification device transponder (1:9-11).

With regard to claim 7, official notice is taken that actuating an actuator either closes or opens a circuit. It would have been obvious to one of ordinary skill in the art at the time of the invention to close the circuit to complete the path for the purpose of balancing the circuit.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. as modified by Hall et al., and Gnadinger et al., and further in view of Palmer et al. US 5,942,977.

With regard to claim 9, Shibata et al. as modified by Hall et al. and Gnadinger et al. teach the claimed invention except for two parallel capacitors as compensating elements. However, this feature is taught or fairly suggested by Palmer (fig. 1). One skilled in the art at the time of the invention would have been motivated to modify Shibata et al. as modified by Hall et al. and Gnadinger et al. to incorporate the teachings of Palmer et al. for the purpose of providing a transponder with transmits by re-radiating a harmonic frequency of a broadcasted carrier frequency and which is contains circuitry for suppressing unwanted emissions of that harmonic frequency while not transmitting (2:50-54).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al., in view of Sekine et al., US 6,249,242.

With regard to claim 13, Shibata et al. teach the claimed invention except for an oscillator. However, Sekine et al. teaches or fairly suggests this feature (2:57-3:7). One skilled in the art at the time of the invention would have been motivated to modify Shibata et al. to incorporate the teachings of Sekine et al. because there can be realized a unitary structure in which the transceiver circuit and the antenna are combined integrally with each other, whereby the factors contributing to deterioration of

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the characteristics can be diminished with the number of parts being decreased (3:8-13).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al., as modified by Sekine et al., and further in view of Matsushashi et al., US 5,541,588.

With regard to claims 14-17, Shibata et al. as modified by Sekine et al. teach the claimed invention except for the actuator comprising a transistor, quartz, and rectifier. These features are taught or fairly suggested by Matsushashi et al. (42, 43, 54, 55). One skilled in the art at the time of the invention would have been motivated to modify Shibata et al. as modified by Sekine et al. to incorporate the teachings of Matsushashi et al. for the purposes of preventing radio interference among the same devices as well as other radio waves by using very weak radio wave (sic) for a short distance as a transmission medium, and to provide a control signal transfer device which is economical and easy to use (2:24-29).

Allowable Subject Matter

4. Claims 18-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or fairly suggest the output signal of the rectifier is supplied to a comparator, or that the rectifier comprises a temperature compensating member, and also that the oscillator has a

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coupling point formed by a capacitor in combination with the recited elements of the respective claims.

Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,767,588 discloses similar aspects of the claimed invention.

Communication with the PTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

May 1, 2003
Sharon Polk
Patent Examiner – Art Unit 2836


BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
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